



George Latimer  
County Executive

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County Attorney

Hon. Philip M. Halpern, U.S.D.J.  
The Hon. Charles L. Briant Jr.  
Federal Building and Courthouse  
300 Quarropas Street, Room 530  
White Plains, NY 10601  
*Via ECF*

Application granted. The time for the parties to file pre-motion letters regarding any anticipated motions for summary judgment shall be extended to December 13, 2023. The case management conference set for November 28, 2023 is adjourned to January 18, 2024 at 3:30 p.m. in Courtroom 520 of the White Plains Courthouse.

**SO ORDERED.**

A handwritten signature in black ink, appearing to read "PHM", written over a horizontal line.

Philip M. Halpern  
United States District Judge

Dated: White Plains, New York  
October 16, 2023

Re: *Hulinsky, et al. v. County of Westchester*, 22-cv-06950 (PMH)

Dear Judge Halpern:

This letter is respectfully submitted on behalf of all parties to the above-captioned litigation. The parties write to inform the Court that discovery has been completed, and to ask the Court for an extension of time to file a pre-motion letter in anticipation of summary judgment, with accompanying 56.1 statement.

In accordance with the discovery schedule ordered by the Court, all discovery was complete on October 12, 2023. As such, under Fed. R. Civ. P. 56(b), a pre-motion letter in anticipation of summary judgment is due to the Court on or before November 13, 2023. Pursuant to Your Honor's individual rules, this would require an exchange of Local Civil Rule 56.1 statements in advance, with the movant's version due to the non-movant by October 30, 2023, to provide the two weeks identified in Ind. R. 4(E)(iv).

The parties are jointly requesting a 30-day extension of this window for several reasons. First, while discovery has been completed, the parties are awaiting transcripts of the depositions taken in this matter, which will likely be the support for many of the items contained in the 56.1 statement. Second, during the time frame in which the 56.1 statement needs to be prepared and

exchanged, the County has several competing deadlines, including briefs due to the Second Circuit in response to Plaintiffs' appeal of the denial of a preliminary injunction in this action and to the Supreme Court in the previously-related *Vitagliano* matter. Third, Plaintiffs' counsel has upcoming travel plans that occur during this period, which will take him out of the country.

As such, the parties respectfully request that the deadline to file pre-motion letters in anticipation of summary judgment be extended from November 13, 2023 to December 13, 2023.

Thank you for your attention to this matter.

Respectfully submitted,

/s/Justin R. Adin

Asst. Chief Deputy County Attorney

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Cc: Counsel for Plaintiffs *via ECF*